

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 675
FINAL READING

Introduced by Langemeier, 23; Cunningham, 40; Kremer, 34; Stuhr, 24
Read first time January 19, 2005
Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-480,
2 60-4,120.01, 60-4,123, and 60-4,124, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 provisional operator's permits, LPD-learner's permits,
5 school permits, and LPE-learner's permits; to harmonize
6 provisions; to provide an operative date; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-480, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-480. Operators' licenses issued by the Department of
4 Motor Vehicles pursuant to the Motor Vehicle Operator's License Act
5 shall be classified as follows:

6 (1) Class O license. The operator's license which
7 authorizes the person to whom it is issued to operate on highways
8 any motor vehicle except a commercial motor vehicle or motorcycle;

9 (2) Class M license. The operator's license or
10 endorsement on a Class O license, provisional operator's permit,
11 learner's permit, school permit, or commercial driver's license
12 which authorizes the person to whom it is issued to operate a
13 motorcycle on highways;

14 (3) CDL-commercial driver's license. The operator's
15 license which authorizes the person to whom it is issued to operate
16 a class of commercial motor vehicles or any motor vehicle, except a
17 motorcycle, on highways;

18 (4) RCDL-restricted commercial driver's license. The
19 class of commercial driver's license which, when held with an
20 annual seasonal permit, authorizes a seasonal commercial motor
21 vehicle operator as defined in section 60-4,146.01 to operate any
22 Class B Heavy Straight Vehicle or Class C Small Vehicle commercial
23 motor vehicle for purposes of a farm-related or ranch-related
24 service industry as defined in such section within one hundred
25 fifty miles of the employer's place of business or the farm or
26 ranch currently being served as provided in such section or any
27 other motor vehicle, except a motorcycle, on highways;

28 (5) POP-provisional operator's permit. A motor vehicle

1 operating permit with restrictions issued pursuant to section
2 60-4,120.01 to a person who is at least sixteen years of age but
3 less than eighteen years of age which authorizes the person to
4 operate any motor vehicle except a commercial motor vehicle or
5 motorcycle;

6 (6) SCP-school permit. A permit issued to a student
7 between fourteen years and two months of age and sixteen years of
8 age for the purpose of driving ~~to and from school~~ in accordance
9 with the requirements of section 60-4,124;

10 (7) FMP-farm permit. A permit issued to a person for
11 purposes of operating farm tractors and other motorized implements
12 of farm husbandry on highways in accordance with the requirements
13 of section 60-4,126;

14 (8) LPC-learner's permit. A permit which when held in
15 conjunction with a Class O license or commercial driver's license
16 authorizes a person to operate a commercial motor vehicle for
17 learning purposes when accompanied by a person who is at least
18 twenty-one years of age;

19 (9) LPD-learner's permit. A permit issued in accordance
20 with the requirements of section 60-4,123 to a person at least
21 fifteen years of age which authorizes the person to operate a motor
22 vehicle, except a commercial motor vehicle, for learning purposes
23 when accompanied by a licensed operator who is at least twenty-one
24 years of age and who possesses a valid operator's license issued by
25 this state or another state;

26 (10) LPE-learner's permit. A permit issued to a person
27 at least fourteen years of age which authorizes the person to
28 operate a motor vehicle, except a commercial motor vehicle, while

1 learning to drive in preparation for application for a school
2 permit;

3 (11) EDP-employment driving permit. A permit issued to a
4 person which authorizes the person to operate a motor vehicle,
5 except a commercial motor vehicle, pursuant to the requirements of
6 sections 60-4,129 and 60-4,130;

7 (12) SEP-seasonal permit. A permit issued to a person
8 who holds a restricted commercial driver's license authorizing the
9 person to operate a commercial motor vehicle, as prescribed by
10 section 60-4,146.01, for no more than one hundred eighty
11 consecutive days in any twelve-month period. The seasonal permit
12 shall be valid and run from the date of original issuance of the
13 permit for one hundred eighty days and from the date of annual
14 revalidation of the permit; and

15 (13) MHP-medical hardship driving permit. A permit
16 issued to a person which authorizes the person to operate a motor
17 vehicle, except a commercial motor vehicle, pursuant to the
18 requirements of sections 60-4,130.01 and 60-4,130.02.

19 Sec. 2. Section 60-4,120.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-4,120.01. (1) Any person who is at least sixteen
22 years of age but less than eighteen years of age may be issued a
23 provisional operator's permit by the Department of Motor Vehicles.
24 The provisional operator's permit shall expire on the applicant's
25 eighteenth birthday. The requirements for the provisional
26 operator's permit prescribed in subdivisions (2)(a) and (b) of this
27 section may be completed prior to the applicant's sixteenth
28 birthday. A person may apply for a provisional operator's permit

1 and take the driving test and the written examination, if required,
2 at any time within sixty days prior to his or her sixteenth
3 birthday upon proof of age in the manner provided in section
4 60-484.

5 (2) In order to obtain a provisional operator's permit,
6 the applicant shall present to the examiner (a)(i) proof of
7 successful completion of a department-approved driver safety course
8 which includes behind-the-wheel driving specifically emphasizing
9 (A) the effects of the consumption of alcohol on a person operating
10 a motor vehicle, (B) occupant protection systems, (C) risk
11 assessment, and (D) railroad crossing safety and (ii) proof of
12 successful completion of a written examination and driving test
13 administered by a driver safety course instructor or (b) a
14 certificate in a form prescribed by the department, signed by a
15 parent, guardian, or licensed driver at least twenty-one years of
16 age, verifying that the applicant has completed fifty hours of
17 lawful motor vehicle operation, under conditions that reflect
18 department-approved driver safety course curriculum, with a parent,
19 guardian, or adult at least twenty-one years of age, who has a
20 current Nebraska operator's license or who is licensed in another
21 state. If the applicant presents such a certificate, the applicant
22 shall be required to successfully complete a driving test
23 administered by an examiner of the department. The written
24 examination shall be waived if the applicant surrenders a Nebraska
25 LPD-learner's permit issued after January 1, 1999, or has been
26 issued a Nebraska LPE-learner's permit after January 1, 2006, and
27 such permit is valid or has expired no more than one year prior to
28 surrender. However, the department shall not waive the written

1 examination if the provisional operator's permit being applied for
2 contains a class or endorsement which is different from the class
3 or endorsement of the LPD-learner's or LPE-learner's permit. Upon
4 presentation to the examiner by the applicant of a form prescribed
5 by the department showing successful completion of the driver
6 safety course, the examiner shall waive the written examination and
7 driving test. Upon presentation to the examiner of the
8 certificate, the examiner shall waive the written examination but
9 not the driving test. The examiner shall waive the written
10 examination and the driving test if the applicant has been issued a
11 school permit and such permit is valid or has expired no more than
12 one year prior to application. The written examination shall not
13 be waived if the provisional operator's permit being applied for
14 contains a class or endorsement which is different from the class
15 or endorsement of the school permit.

16 (3) The holder of a provisional operator's permit shall
17 only operate a motor vehicle on the highways of this state during
18 the period beginning at 6 a.m. and ending at 12 midnight except
19 when he or she is en route to or from his or her residence to his
20 or her place of employment or a school activity. The holder of a
21 provisional operator's permit may operate a motor vehicle on the
22 highways of this state at any hour of the day or night if
23 accompanied by a parent, guardian, or adult at least twenty-one
24 years of age, who has a current Nebraska operator's license or who
25 is licensed in another state.

26 (4) The county treasurer shall collect the fee prescribed
27 in section 60-4,115 for the issuance of each provisional operator's
28 permit.

1 Sec. 3. Section 60-4,123, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,123. (1) Any person who is at least fifteen years
4 of age may apply for an LPD-learner's permit from the Department of
5 Motor Vehicles. In order to obtain an LPD-learner's permit, the
6 applicant shall successfully complete a written examination. A
7 person may take the written examination beginning sixty days prior
8 to his or her fifteenth birthday but shall not be issued a permit
9 until he or she is fifteen years of age. The written examination
10 shall be waived for any person who has been issued an LPE-learner's
11 permit after January 1, 2006.

12 (2) Upon successful completion of the written examination
13 and the payment of a fee, the applicant shall be issued an
14 LPD-learner's permit from the county treasurer. The permit shall
15 be valid for twelve months.

16 (3) The holder of an LPD-learner's permit shall only
17 operate a motor vehicle on the highways of this state if he or she
18 is accompanied at all times by a licensed operator who is at least
19 twenty-one years of age and who has been licensed by this state or
20 another state and if he or she is actually occupying the seat
21 beside the licensed operator or, in the case of a motorcycle or
22 moped, if he or she is within visual contact of and under the
23 supervision of, in the case of a motorcycle, a licensed motorcycle
24 operator or, in the case of a moped, a licensed motor vehicle
25 operator.

26 (4) The county treasurer shall collect the fee prescribed
27 in section 60-4,115 for the issuance of each LPD-learner's permit.

28 Sec. 4. Section 60-4,124, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-4,124. (1) A person who is younger than sixteen years
3 of age but is over fourteen years and two months of age may be
4 issued, by the county treasurer, a school permit ~~to drive a motor~~
5 ~~vehicle, moped, or motorcycle to and from where he or she attends~~
6 ~~school by the nearest highway from his or her place of residence if~~
7 such person lives a distance of one and one-half miles or more from
8 ~~such the school he or she attends~~ and either resides outside a city
9 of the metropolitan, primary, or first class or attends a school
10 which is outside a city of the metropolitan, primary, or first
11 class and if such person has held an LPE-learner's permit for two
12 months. A school permit shall be used for the sole purpose of
13 transporting such person or any family member who resides with such
14 person to attend school, except that the holder of the permit may
15 drive under the personal supervision of a licensed operator. Such
16 licensed operator shall be at least twenty-one years of age and
17 licensed by this state or another state and shall actually occupy
18 the seat beside the permitholder or, in the case of a motorcycle or
19 moped, if the permitholder is within visual contact of and under
20 the supervision of, in the case of a motorcycle, a licensed
21 motorcycle operator or, in the case of a moped, a licensed motor
22 vehicle operator. A school permit shall not be issued until such
23 person has appeared before an examiner to demonstrate that he or
24 she is capable of successfully operating a motor vehicle, moped, or
25 motorcycle and has in his or her possession an examiner's
26 certificate authorizing the county treasurer to issue a school
27 permit. In order to obtain an examiner's certificate, the
28 applicant shall present to the examiner (a) proof of successful

1 completion of a department-approved driver safety course which
2 includes behind-the-wheel driving specifically emphasizing (i) the
3 effects of the consumption of alcohol on a person operating a motor
4 vehicle, (ii) occupant protection systems, (iii) risk assessment,
5 and (iv) railroad crossing safety and (b) (i) proof of successful
6 completion of a written examination and driving test administered
7 by a driver safety course instructor or (ii) a certificate in a
8 form prescribed by the department, signed by a parent, guardian, or
9 licensed driver at least twenty-one years of age, verifying that
10 the applicant has completed fifty hours of lawful motor vehicle
11 operation, under conditions that reflect department-approved driver
12 safety course curriculum, with a parent, guardian, or adult at
13 least twenty-one years of age, who has a then current Nebraska
14 operator's license or who is licensed in another state. The
15 Department of Motor Vehicles shall waive the written examination if
16 the applicant surrenders an LPE-learner's permit issued after
17 January 1, 2006, and if such permit is valid or has expired no more
18 than one year prior to application. The written examination shall
19 not be waived if the permit being applied for contains a class or
20 endorsement which is different from the class or endorsement of the
21 LPE-learner's permit.

22 (2) A person holding a school permit may operate a motor
23 vehicle, moped, or motorcycle:

24 (a) To and from where he or she attends school and
25 between schools of enrollment over the most direct and accessible
26 route by the nearest highway from his or her place of residence to
27 transport such person or any family member who resides with such
28 person to attend duly scheduled courses of instruction and

1 extracurricular or school-related activities at the school he or
2 she attends; or

3 (b) Under the personal supervision of a licensed
4 operator. Such licensed operator shall be at least twenty-one
5 years of age and licensed by this state or another state and shall
6 actually occupy the seat beside the permitholder or, in the case of
7 a motorcycle or moped, if the permitholder is within visual contact
8 of and under the supervision of, in the case of a motorcycle, a
9 licensed motorcycle operator or, in the case of a moped, a licensed
10 motor vehicle operator.

11 (3) A person who is younger than sixteen years of age but
12 is over fourteen years of age may be issued ~~Any such person~~
13 ~~desiring a school permit may first obtain~~ an LPE-learner's permit
14 from the county treasurer, which permit shall be valid for a period
15 of ~~two~~ three months. An LPE-learner's permit shall not be issued
16 until such person successfully completes a written examination
17 prescribed by the department and demonstrates that he or she has
18 sufficient powers of eyesight to safely operate a motor vehicle,
19 moped, or motorcycle.

20 (4) While holding the LPE-learner's permit, the person
21 may operate a motor vehicle on the highways of this state if he or
22 she has seated next to him or her a person who is a licensed
23 operator or, in the case of a motorcycle or moped, if he or she is
24 within visual contact of and is under the supervision of a person
25 who, in the case of a motorcycle, is a licensed motorcycle operator
26 or, in the case of a moped, is a licensed motor vehicle operator.
27 Such licensed motor vehicle or motorcycle operator shall be at
28 least twenty-one years of age and licensed by this state or another

1 state.

2 (5) The county treasurer shall collect the fee prescribed
3 in section 60-4,115 from each successful applicant for a school or
4 LPE-learner's permit. All school permits shall be subject to
5 revocation under the terms of section 60-496. Any person who
6 violates the terms of a school permit shall be guilty of an
7 infraction and shall not be eligible for another operator's license
8 or school, farm, LPD-learner's, or LPE-learner's permit until he or
9 she has attained the age of sixteen years.

10 Sec. 5. This act becomes operative on January 1, 2006.

11 Sec. 6. Original sections 60-480, 60-4,120.01, 60-4,123,
12 and 60-4,124, Reissue Revised Statutes of Nebraska, are repealed.